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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ANTHONY J. NUGENT,

No. C 09-01180 SI

9 Plaintiff,

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

10 v.

11 GREENPOINT MORTGAGE
12 FUNDING, INC., et al.,

13 Defendants.
14 _____/

15 Now before the Court is the report and recommendation of Magistrate Judge Maria-Elena James
16 to dismiss this case for failure to prosecute and failure to comply with court deadlines and orders. A
17 court may dismiss an action if the plaintiff fails to prosecute it or to comply with the Federal Rules of
18 Civil Procedure. *See* Fed. R. Civ. Pro. 41(b). The Court finds, for the reasons discussed in Judge
19 James' report, that plaintiff has both failed to prosecute this action and to comply with court orders.
20 Plaintiff failed to file an opposition to defendants' motions to dismiss, failed to respond to an order to
21 show cause why the case should not be dismissed for failure to prosecute, and failed to appear at the
22 hearing on Judge James' order to show cause. The docket reflects that pro se plaintiff has made no
23 appearance in this case since filing his complaint. Accordingly, this Court finds that dismissal of this
24 case is warranted. Because the plaintiff is representing himself, the Court finds that dismissal shall be
25 without prejudice.

26 **IT IS SO ORDERED.**

27 Dated: June 29, 2009

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SUSAN ILLSTON
United States District Judge